

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EDWARD O'FINNEGAN,

Plaintiff,

v. No. 10-CIV-965 WJ/LFG

CAPITOL ONE AUTO FINANCE, INC.

Defendant.

**STIPULATION AS TO DAMAGES**

Plaintiff Edward O'Finnegan ("Plaintiff") and Defendant Capital One Auto Finance ("Defendant") hereby stipulate and agree as follows:

1. Plaintiff is not seeking and will not seek physical or emotional damages as part of his claims in this lawsuit.
2. Plaintiff will not seek to introduce at the trial in this lawsuit any evidence regarding or related to his physical or emotional state.
3. Plaintiff will not ask for and will not accept in this lawsuit any award for physical or emotional damages.

Electronic Approval 1/31/11

Edward O'Finnegan  
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and

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*Electronically Filed*

By /s/ Stan N. Harris, Attorney at Law  
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ATTORNEYS FOR DEFENDANT CAPITAL  
ONE AUTO FINANCE, INC.

I HEREBY CERTIFY that on the 31<sup>st</sup> day of January, 2011, I filed the foregoing electronically through the CM/ECF system.

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participant via first-class mail, postage prepaid addressed as follows:

Edward O’Finnegan  
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MODRALL SPERLING ROEHL  
HARRIS & SISK, P.A.

By /s/ Stan N. Harris  
Stan N. Harris  
Attorneys for Defendant Capital  
One Auto Finance, Inc.

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